

CATEGORICAL EXCLUSION

Applicant/Project Name: Fremont Telcom phone/broadband line ROW

Project/Case File Number: IDI-37834

Project Lead: Heather Schlenker

CX Number: ID-I010-2015-0004-CX

Date of Preparation: October 22, 2014

BACK GROUND:

On October 8, 2014, Fremont Telcom Company, submitted an application (SF-299) requesting a right-of-way (ROW) authorization for a buried telephone/broadband services line. The ROW request is located in Fremont County and is described below:

Boise Meridian, Idaho

T. 7 N., R. 39 E.,
sec. 3, SWSW.

The telecommunications ROW, serial number IDI-37834, would be buried within the existing road, and would provide telephone and broadband services to the Bureau of Land Management (BLM) Egin Lakes Campground. The portion of the access road which leaves the County road across private land was secured by the BLM through two easement acquisitions, serial numbers IDI-25605 and IDI-33688.

The ROW line would be approximately 2,345 feet (0.44 miles) in length, 10 feet in width, and encumber 0.54 acres of public land, more or less. Fremont Telcom has obtained a permit from the County for use of the road ROW on the County Road (500 N). The permit allows for the installation, use, operation, inspection, repair, maintenance and removal of a 25 pair copper cable. The 25 pair cable will provide up to 25 lines of service. The line would be plowed approximately 36 inches deep.

Five pedestal junction points (6 inches square by 3 feet tall) will be needed for future access to support the underground line. At each pedestal point, there would be a ground, a snow marker and an approximate 6in by 8ft pole installed. Only two of these pedestals will be installed on public land. The remaining pedestals will be placed along the County Road. The line would deliver service for up to 25 lines 4m/1m.

The project area is located outside, but immediately adjacent to the Nine Mile Knoll Area of Critical Concern (ACEC) and designated Priority General Habitat (PGH) for Greater Sage Grouse.

PROPOSED ACTION:

The proposed action is to issue a grant of right-of-way to Fremont Telcom Company for a period of approximately 30 years, expiring on December 31, 2044. The issuance of the grant of right-of-way is authorized under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), and the current regulations found at 43 CFR 2800.

The authorization would allow for construction, installation, maintenance, use, operation and removal of the buried line and associated equipment.

Standard BLM terms and conditions will be included in the FLMPA grant.

CONSULTATION AND COORDINATION:

On October 14, 2014, this project was brought before an Interdisciplinary Team consisting of Bureau of Land Management (BLM) specialists. A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Upper Snake Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

LAND USE PLAN CONFORMANCE:

The Proposed Action is located in Fremont County, Idaho, within the boundaries of the Upper Snake Field Office. The BLM's Medicine Lodge Resource Management Plan (BLM 1985) provides general guidelines for the protection and use of resources in these areas. While this action is not specifically addressed in the document, the plan does provide for the consideration of right-of-way applications.

APPEALS INFORMATION:

Right-of-way Decisions become effective upon approval by the authorized officer (43 CFR 2801.10(b)). Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993)* or *43 CFR 2801.10*.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9 E (17) for grants of a short right-of-way for utility services or terminal access roads to an individual residence, outbuilding or water well. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

Standard stipulations currently used for rights-of-ways would be incorporated into the grant to bring this authorization to current standards.

I recommend that the right-of-way authorization, IDI-37834 be granted for a period of approximately 30 years, expiring on December 31, 2044. The grant will be issued with the right to renew, subject to the terms and conditions and the attached stipulations (see Exhibit B). The ROW is to be issued under the authority of Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and the regulations found at 43 CFR 2800.

/s/ Heather Schlenker
Heather Schlenker, Realty Specialist
Date:11/14/14

/s/ Marissa Guenther
Marissa Guenther, NEPA Reviewer
Date:11/14/14

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to issue a grant of ROW authorizing the a buried telephone/broadband services line, under the authority of Title V of Public Law 94-579 (Federal Land Policy and Management Act) and be subject to the 43 CFR 2800 regulations. The line encumbers approximately 0.54 acres of public land. The grant would be issued for approximately 30 years, expiring on December 31, 2044, with the right to renew, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B).

The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, 11.9 E (17). None of the exceptions found in 43 Code of Federal Regulations (CFR) 46.215 apply.

/s/ Jeremy Casterson
Jeremy Casterson, Field Manager
Date:11/14/14

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(43 Code of Federal Regulations (CFR) 46.215)

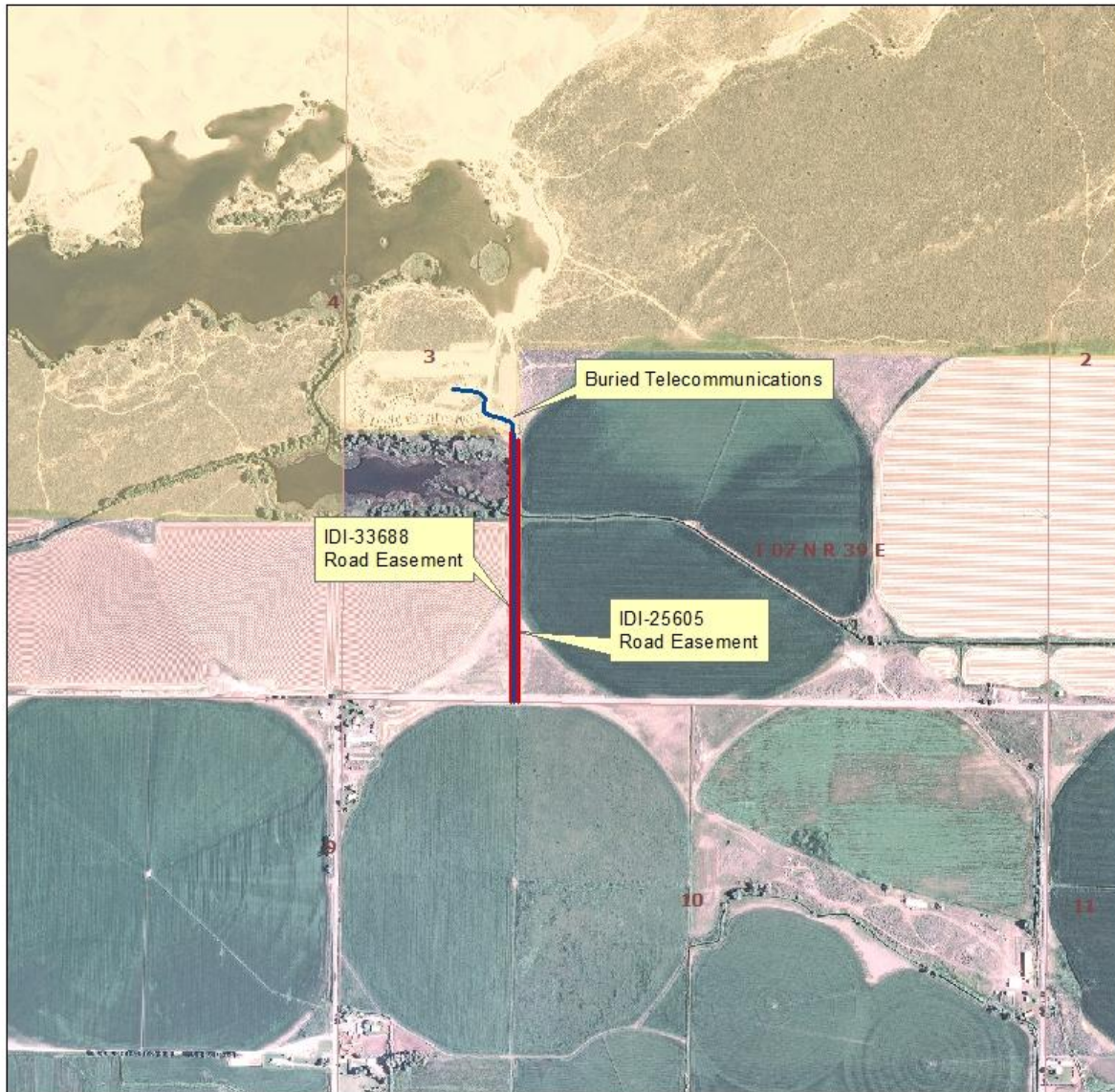
The action described in categorical exclusion # ID- I010-2015-0004-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
1	Have significant impacts on public health or safety. <i>The proposed action would have no significant impacts on health or safety of the public.</i>		X
2	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <i>No wilderness, wilderness study areas or wild and scenic rivers are present near the project area. The ROW proposal would not impede opportunities for recreation.</i> <i>This project is located adjacent to the Nine Mile Knoll ACEC however this project would not impede protection, maintenance, or enhancement of relevant and important values for which the ACEC was designated.</i> <i>This project is not located within a Research Natural Area (RNA).</i> <i>No significant impacts to riparian-wetland areas would occur.</i> <i>Although migratory birds are present within the project area, however, no significant impacts to migratory birds would be expected.</i> <i>The proposed undertaking is an exempt undertaking and excluded from case-by-case review with Idaho SHPO as per Stipulation V.A.1., Appendix C of the 2014 State Protocol Agreement between Idaho BLM and the Idaho State Historic Preservation Office. This project would have no effect to historic properties.</i>		X
3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. <i>Action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. No known highly controversial or potentially significant environmental effects have resulted from other ROWs existing in the area and should not result from the issuing of a buried line ROW. Action would not impact water quality or stream channels and floodplains.</i>		X
4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>Action would not impact water quality or stream channels and floodplains. No known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks are expected to result from the issuing of the ROW.</i>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>The proposed action would not establish a precedent for future actions. Standard annual maintenance and monitoring practices would continue to be accomplished for the ROW in the same manner as other authorized ROWs. However, any new ground disturbing activities would be addressed and new NEPA would be required and effects evaluated.</i>		X
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. No cumulatively significant effects are anticipated. No cumulatively significant effects anticipated for the stream channel/floodplain.</i>		X
7	Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office. <i>As there are no known historic properties listed or eligible for listing on the NRHP located in the project area, the proposed action would have no significant impacts.</i>		X
8	Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species. <i>As there are no T&E or Proposed species, or critical habitat present within the project area, no significant impacts to these species would be expected.</i>		X
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action does not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated.</i>		X
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would have no adverse effect on low income or minority populations.</i>		X
11	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). <i>There are no sacred sites known to occur in the project area. Furthermore, the project would not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i>		X
12	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). <i>Standard terms and conditions for weeds are included in the authorization. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species as the applicant would be responsible for weed control as outlined in the grant stipulations.</i>		X

IDI-37834
Fremont Telecom Co
Telecommunications ROW

EXHIBIT A
SWSW of Sec 3, T. 7 N., R. 39 E.
October 30, 2014



0 700 1,400 2,800 Feet



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